## Exhibit 1

**January 28, 2009** 

## Fred T. Heinritz Deposition Transcript Excerpts

IN THE UNITED STATES DISTRICT COURT  FOR THE EASTERN DISTRICT OF WISCONSIN  GREEN BAY DIVISION  APPLETON PAPERS, INC., and NCR CORPORATION,  Plaintiffs,  vs. Case No. 2:08-CV-00016-WCG  GEORGE A. WHITING PAPER COMPANY, et al.,  Defendants.  Defendants.  Deposition of FRED T. HEINRITZ  Wednesday, January 28th, 2009  Hilton Garden Inn 720 Eisenhower Drive Kimberly, Wisconsin  Reported by Sarah A. Hart, RPR/RMR/CRR		
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Kimberly, Wisconsin  Reported by Sarah A. Hart, RPR/RMR/CRR	17	
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21	20	Poported by Carab A Hart DDD/DMD/CDD
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1		don't know about certain things so we can get to the
2		things that you do know. When paper you had
3		mentioned NCR provided the emulsion to coat the paper
4		with. Who supplied the paper?
5	A	We bought that from various sources.
6	Q	And then you at Appleton Paper Appleton Coated
7		Paper coated the paper with the emulsion to create
8		the NCR carbonless copy paper, correct?
9	A	That's correct.
10	Q	Who sold the paper to consumers?
11	A	NCR.
12		MR. WESTERFIELD: Object to the form of the
13		question.
14	BY M	R. BOGART:
15	Q	Who was Appleton Coated Papers' customer?
16	A	NCR.
17	Q	So am I correct that NCR provided the emulsion,
18		Appleton Coated Paper made the coated the paper
19		and created the NCR carbonless and then sold it to
20		NCR?
21	А	Yes.
22	Q	Was that true the entire time you were with Appleton
23		Coated Paper?
24		MR. WESTERFIELD: Object, lack of
25		foundation.

1	THE WITNESS: Yes.
2	BY MR. BOGART:
3	Q At one point, Appleton Coated Paper became a division
4	of NCR; is that right?
5	A Yes.
6	Q So would it be true that the division would be
7	selling to its corporate
8	A I don't know.
9	MR. WESTERFIELD: Objection, lack of
LO	foundation.
L1	THE WITNESS: Okay. I don't remember what
L2	the billing arrangements were on that point, but NCR
L3	controlled the whole thing.
L4	BY MR. BOGART:
L5	Q By NCR controlling the whole thing, do you mean they
L6	determined how much would be made and where it would
L7	go? What did you mean by that statement?
L8	(Mr. Waskowski joins proceedings.)
L9	THE WITNESS: Well, Appleton operated the
20	mill, so we made we made jumbo rolls of paper,
21	inventoried them, and then used those to fill the
22	orders that were provided by NCR, by their sales
23	force. So we didn't they didn't operate the mill
24	or dictate how we operated the mill or what kind of
25	inventories we carried or anything like that.

1	BY MR. BOGART:
2	Q Okay. So did you ship directly to NCR's customers?
3	A Yes.
4	Q In the manufacture of NCR carbonless copy paper,
5	waste was created, I assume?
6	MR. WESTERFIELD: Object to the form of the
7	question.
8	THE WITNESS: We had broke, trim.
9	BY MR. BOGART:
10	Q Can you define those terms for us? What do you mean
11	by broke?
12	A Broke was the paper that was left over after we took
13	out the perfect sheets or rolls. Edge trim, trim, we
14	referred to as the trim off the edge of the rolls.
15	Q So broke broke is produced when you make sheets,
16	and edge is when you make rolls? Or am I wrong about
17	that?
18	MR. WESTERFIELD: Object to the form of the
19	question.
20	MR. WELLS: Excuse me, this is Pat Wells.
21	Is it possible to have the microphone moved in
22	another location? For some reason, the audio is very
23	bad, and most of the witness's responses are
24	completely inaudible.
25	(A discussion was held off the record.)